



February 4, 2005

Washington State Department of Agriculture
Endangered Species Program
1111 Washington St, 2nd floor, NRB
P.O. Box 42589
Olympia, WA 98504-2589

RE: Comments of CropLife America on "Washington State Endangered Species Protection Plan for Pesticide Use"

Ladies and Gentlemen:

CropLife America is pleased to offer these brief comments on the draft "Washington State Endangered Species Plan for Pesticide Use" that was issued on December 28, 2004. CropLife America is the national trade association representing the manufacturers, formulators and distributors of crop protection products in the U.S.

General:

- We encourage efforts of states to develop State Initiated Plans (SIPs) for endangered species protection related to pesticide use. This provides the opportunity to base such SIPs on an understanding of local cropping patterns and agricultural practices, and on identification of mitigation measures that are reasonable and adequately protective.
- SIPs should be based on Best Scientific Data.
- SIPs should be complete, comprehensive, and, where possible, consistent with EPA-approved SIPs of other states.

Specific Points:

1. We support the development of comprehensive SIPs for endangered species that utilize local expertise in developing protection measures that are adequately protective of endangered species but also minimize unnecessary negative impacts on agriculture and on others who rely on pesticide use.
2. The WSDA plan addresses only listed salmonids. A complete SIP should address all federally listed species occurring in Washington State (including birds, mammals, and plants) and should not be limited to only those species of relevance to current lawsuits. WSDA should outline its plan for developing a complete SIP, starting with an initial focus on listed salmonids.

3. WSDA appropriately relies on EPA's assessments for endangered species. However, during Phase One, WSDA and other local experts should provide EPA with information and data that are relevant to EPA's endangered species assessments for Washington State. The same data should be provided to the registrant if requested, as the registrant may have been required to provide EPA with information on the proximity of pesticide use to endangered species. In addition to the pesticide usage data that WSDA intends to provide, details on species location, species habitat, and geographic information of relevance to exposure modeling should be provided. The site-specific data on presence of salmonids that WSDA intends to provide to NOAA Fisheries in Phase 2 should also be provided to EPA in Phase 1 to support EPA's effects determinations.
4. Also as part Phase 1 of the process, NOAA Fisheries and FWS should provide to EPA any information that is relevant to EPA in preparation of its effects determinations.
5. The WSDA process for pesticide/ESA consultation currently ignores the potential role of protective measures ("protections") already included in County Bulletins that could be associated with EPA's "Not Likely to Adversely Affect" (NLAA) determinations. This information on protections should be included in the process. WSDA and other state and local stakeholders should provide information to assist EPA in developing practical protections to support EPA NLAA determinations.
6. The WSDA pesticide/ESA consultation should be modified so that it is relevant to all listed species. Where NOAA Fisheries is mentioned, the Fish and Wildlife Service (FWS) should also be mentioned.
7. WSDA should provide information on the types of practical protections that it is considering to incorporate into the SIP and address how these compare to protections that have been successfully implemented by other states that have EPA-approved SIPs.
8. WSDA should compare its proposed SIP to other SIPs approved by EPA (e.g., North Dakota, Kansas, Utah, Wisconsin). WSDA should identify any deficiencies and address these.
9. WSDA should ensure that the proposed SIP is consistent with EPA's proposed ESPP (announced in Dec 2000) and the Joint Counterpart Regulation published in August 2004.
10. WSDA should propose an approach for how information would be updated over time.

Please feel free to contact me if you have any questions regarding these comments.

Sincerely,



Ray S. McAllister, Ph.D.
Regulatory Science & Policy Leader